

S/No 09/820,574

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Reed Maltzman

Examiner: Timothy Harbeck

Serial No.: 09/820,574

Group Art Unit: 3628

Filed: March 28, 2001

Docket: 2043.040US1

Title: METHOD AND SYSTEM TO ENABLE A FIXED PRICE PURCHASE  
WITHIN AN ONLINE AUCTION ENVIRONMENT

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**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

MS Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This responds to the Notice of Non-Compliant Appeal Brief mailed on July 25, 2006. In compliance with MPEP 1205.03(B) and 37 CFR 41.37(c)(1)(v), Appellant submits the following corrected section from Appellant's previously-submitted Appeal Brief filed May 4, 2006.

Please replace the previously submitted Summary of Claimed Subject Matter Section 5 with the below replacement.

### **SUMMARY OF CLAIMED SUBJECT MATTER**

Some aspects of the present inventive subject matter include, but are not limited to, methods and systems to enable a fixed price purchase within an online auction environment. Independent claims of the present application are reproduced below with citations, from the specification, to example embodiments.

1. A computer implemented method of facilitating an electronic transaction, the computer implemented method comprising:

presenting, via a first computer system, both an auction purchase process (e.g., Figure 9, callouts 503, 520; paragraphs 17, 30 and 39) and a fixed-price purchase process for purchase of an offering to a buyer; (e.g., Figure 9, callout 504; paragraphs 17, 30 and 39) and

responsive to receipt of a bid from the buyer as part of the auction purchase process (e.g., Figure 5B, block 350, paragraph 35), removing the presentation of the fixed-price purchase process (e.g., Figure 5B, block 360, paragraph 35).

10. A computer implemented method comprising:

receiving, at a computer system, an offering's selling information from a seller including an offering description, an indication whether to allow a buyer a chance to buy the offering at a seller determined price, and if the indication to allow the buyer the chance to buy the offering at the seller determined price is affirmative, the seller determined price; (e.g., Figure 3, block 160, paragraph 28)

receiving purchase information from the buyer including at least one of an affirmative indication to purchase the offering at the seller determined price if a seller has given affirmative indication to allow the buyer the chance to buy the offering at the seller determined price (e.g., Figure 5B, block 330, paragraph 34) and a bid the buyer will buy the offering at; (e.g., Figure 5B, block 350, paragraph 35) and

determining a successful buyer comprising:

if an affirmative indication to purchase the offering at the seller determined price is received from the buyer (e.g., Figure 5B, decision 330-yes, paragraph 34) and no bids have been received for the offering (e.g., Figure 5A, decision 420-yes, paragraph 33), the buyer, having given affirmative indication, is the successful buyer; (e.g., Figure 5B, block 410, paragraph 35)

if a first bid is received from the buyer then a buyer from which the highest bid is received is the successful buyer. (e.g., Figure 5B, blocks 350, 380, 410, paragraph 35)

20. A computer implemented method comprising:

receiving, at a computer system, offering information from a plurality of sellers at a computer-based transaction facility; (e.g., Figure 3, block 160, paragraph 28)

organizing the offering information into predetermined categories; (e.g., Figure 8, paragraphs 16, 38)

receiving a category selection from a buyer at the computer-based transaction facility; (e.g., Figure 4, blocks 650, 660, paragraph 29)

automatically displaying a list of offering information in the selected category, with a visual indicator appearing in association with a respective offering if a seller of the offering has given affirmative indication to allow a buyer a chance to buy the first offering at a seller determined price; (e.g., Figure 4, blocks 680, paragraph 29; Figure 8, callout 518, paragraphs 16, 38) and

removing the visual indicator after a first bid is received on the first offering from a first buyer (e.g., Figure 5B, blocks 350, 360, paragraph 34).

30. A tangible machine readable medium storing a set of instructions that, when executed by a machine, cause the machine to:

present, via a first computer system, both an auction purchase process (e.g., Figure 9, callouts 503, 520; paragraphs 17, 30 and 39) and a fixed-price purchase process for purchase of an offering to a buyer (e.g., Figure 9, callout 504; paragraphs 17, 30 and 39); and

responsive to receipt of a bid from the buyer as part of the auction purchase process (e.g., Figure 5B, block 350, paragraph 35), remove the presentation of the fixed-price purchase process

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**Page 4**

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(e.g., Figure 5B, block 360, paragraph 35).

**CONCLUSION**

In accordance with MPEP 1205.03(B) and 37 CFR 41.37(c)(1)(v), only the non-compliant section of Appellant's previously-submitted Appeal Brief has been included in this response.

Appellant respectfully submits that the Examiner withdraw the non-compliant status and examine the Appeal Brief.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

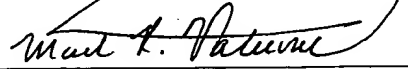
REED MALTZMAN

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
408-278-4046

Date 8.23.2006

By

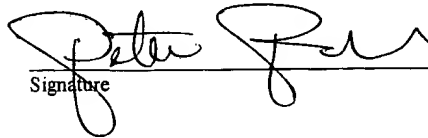


Mark R. Vatuone  
Reg. No. 53,719

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Peter Rebuffoni

Name

  
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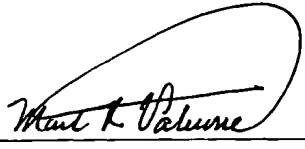
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We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ Response to Notice of Non-Compliant Appeal Brief (5 pgs.).
- ☒ Return postcard.

If not provided for in a separate paper filed herewith, Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
Customer Number 49845

By:   
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Peter Rebuffoni  
Name

Peter Rebuffoni  
Signature